

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 585 of 2019

ORDER :

The petitioner claims to be the owner and possessor of Flat No. 407, Ratnam Happy Homes Residency, bearing Municipal No. 2-2-1089/407, Amberpet, New Nallakunta, Hyderabad. While so, the 5th respondent, all of a sudden, issued notice dated 06.06.2017, directing him to hand over physical possession of portion of the total land / building, stating that the subject property was notified under the provisions of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and that compensation would be paid as per the norms by R&B Department and demanded to give consent under Section 146 of the Greater Hyderabad Municipal Corporation Act, 1955. The petitioner claims, he had given the reply dated 12.06.2017, but so far, no response was given thereto and further, the respondent authorities are sending their men to take possession of the property without paying a single rupee towards compensation. The main grievance of the petitioner is that he should not be dispossessed or his property should not be affected unless the compensation amount as mandated under the Act, in particular, under Section 38 of the Act is paid to him.

Learned counsel for the petitioner brings to the notice of this Court that on earlier occasions, Writ Petitions were filed wherein this Court granted interim orders to maintain *status quo* with regard to the subject structures. Though the learned counsel prays for similar orders to be passed, in view of the instructions secured by the learned Government Pleader for Land Acquisition,

on behalf of the 3rd respondent, with the consent of the parties, this Writ Petition is being disposed of at the admission stage.

The learned Government Pleader submits that notification under Section 11 of the Act was issued on 22.07.2017 to acquire 25 properties and the petitioner's property was one among them and the declaration under Section 19(1) of the Act was approved by the District Collector on 06.09.2018 and the same was also published. It is further stated that acquisition proceedings are under process and action would be taken by issuing notices for the Award inquiry under Section 21(2) of the Act to the interested parties and thereafter, by publishing notice under Section 21(4) of the Act. In other words, as per the instructions, the acquisition proceedings have already been initiated and steps are being taken as the petitioner had not consented to accept the compensation offered in terms of Section 146 of the 1955 Act.

Since the petitioner has ample opportunity to espouse his grievance before the Land Acquisition Officer, including claiming the compensation for the entire property, he is given liberty to file objections in terms of Section 30 of the 2013 Act which shall be considered during the Award enquiry by the 3rd respondent.

Subject to the above, the Writ Petition is disposed of. As Section 38 of the Act mandates payment of compensation before taking possession, it is made clear, the petitioner's possession and enjoyment over the subject property shall, in no way, be interfered with until the provisions of the Act, particularly the one with regard to payment of compensation is complied with in its letter and spirit. No costs.

Consequently, the miscellaneous Applications, if any shall also stand closed.

21st January 2018

CHALLA KODANDA RAM, J

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